

**From:** Damian Yerrick  
**To:** Microsoft ATR  
**Date:** 1/23/02 2:33pm  
**Subject:** The Microsoft settlement may backfire

To whom it may concern:

The United States Department of Justice has proposed a settlement with Microsoft Corporation in the anti-trust case, the terms of which include Microsoft donating software licenses to schools. I consider this settlement a bad idea because it is highly likely to backfire and strengthen Microsoft's monopoly.

For one thing, the restrictions placed on Microsoft are overly narrow. See <http://www.kegel.com/remedy/letter.html>

For another, the "retail value" of Microsoft software named in descriptions of the settlement is highly inflated, as it costs less than a dollar to press a disc, the balance attributed to the monopoly that the Congress has already granted to Microsoft under copyright law. (I consider a 95-year copyright term under the Bono Act more than a bit excessive for software that generally becomes obsolete within five years, but that's another letter for another day.)

Even worse, the proposed settlement gives Microsoft even more mindshare and more power among the most intellectually vulnerable of American citizens, namely our children. Microsoft's predatory tactics named in the findings of fact included ways of convincing consumers that no worthwhile operating system exists other than Microsoft Windows. In fact, Microsoft is willing to take a loss in order to get this point across: witness free copies of Windows XP given out at offices of the U.S. Postal Service. Exposing children to Microsoft software and only Microsoft software sends a subconscious message to children that Microsoft software is all that exists, which only serves to strengthen the barriers to entry against other operating system publishers such as Red Hat, MandrakeSoft, Apple Computer, and Sun Microsystems. The notorious lack of security in Microsoft's Windows, Outlook, and Office product lines can potentially compromise academic integrity by encouraging students to learn to exploit security defects in Microsoft software instead of learning reading, writing, arithmetic, and some semblance of honor.

If the Department of Justice wants to punish Microsoft with damages, I suggest that these be cash damages. I'd also want to be able to study the source code of Windows in order to develop other operating systems that can run applications programmed to the Windows interface or to replace parts of Windows with independently developed modules.

Sincerely,

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